THE HON'BLE SRI JUSTICE D.S.R.VARMA

W.P.M.P.No.24945 of 2005
in
Writ Petition No.13884 of 1994

Oral Order:

Heard the learned Counsel appearing for petitioner-The Management of Modern Food Industries (India) Limited, Uppal Kalan, Hyderabad, represented by its General Manager (for brevity 'the Management').

2. It is represented by the learned Counsel appearing for the Management that inadvertently, the factum of compromise agreement entered into between the Management and respondent No.2-Workman, pursuant to which closing Special Leave Petition No.3230 of 1998 by the Hon'ble Supreme Court, was not brought to the notice of this Court at the time of disposal of W.P.No.13884 of 1994.

3. It appears that the Workman was dismissed from service by the Management against which I.D.No.48 of 1993 had been preferred before the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad (for brevity 'the Tribunal'). The Tribunal, after hearing both sides and considering the evidence on record, both oral and documentary, by award dated 23-11-1993, while dismissing the said I.D., granted a sum equivalent to two years' wages at the rate of last pay drawn towards compensation to the Workman. Aggrieved by the said award of the Tribunal, both the Management as well as the Workman had preferred W.P.Nos.13884 of 1994 and 8156 of 1996, respectively, before this Court. This Court, by order dated 22-4-1997, allowed W.P.No.8156 of 1996 filed by the Workman, modifying the award of the Tribunal directing the Workman should be reinstated without any back wages, treating it as a fresh appointment. Against the said order, the matter had been carried to the Hon'ble Supreme Court by the Management by way of a special leave petition in 3230 of 1998; and during the course of hearing of the said special leave petition before the Hon'ble Supreme Court, both the Management and the Workman entered into a compromise agreement, and when the same was reported to the Hon'ble Supreme Court, the matter was closed.

4. The above said fact of entering into a compromise agreement between the Management and the Workman during the pendency of the special leave petition before the Hon'ble Supreme Court was not brought to the notice of this Court when the matter W.P.No.13884 of 1994, filed by the Management, came up for hearing. Instead, the matter was argued on merits and after hearing the submissions made by both the learned Counsel appearing for parties, the said writ petition had been dismissed by this Court, by order dated 29-10-2004.

5. Now, having noticed the factum of compromise agreement entered into between the Management and the Workman during the pendency of the special leave petition before the Hon'ble Supreme Court, the present petition is filed by the Management seeking modification of the order, dated 29-10-2004, in W.P.No.13884 of 1994, passed by this Court.

6. I do not find any reason to modify the said order. However, having regard to the compromise agreement said to have been entered into between the Management and the Workman, suffice it to add the following para 11 to the order, dated 29-10-2004, already passed by this Court in W.P.No.13884 of 1994.

> "Since it is represented by the learned Counsel appearing for the Management that the matter, in fact, had been intended in a compromise agreement during the hearing of the special leave petition before the Hon'ble Supreme Court, the matter had been closed and if the same is true, the present order need not be given effect to."

7. With the said modification of adding para 11 to the order, dated 29-10-2004, in W.P.No.13884 of 1994, passed by this Court, the present petition is disposed of. There shall be no order as to costs.

8. Registry is directed to furnish fresh copies of the order to the concerned.

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D.S.R.VARMA, J.

11th April, 2007.
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